HON'BLE SHRI G.S. SINGHVI, THE CHIEF JUSTICE

WRIT PETITION NO. 24806 OF 1998

BETWEEN

Kollamudi Subba Reddy

.....**Petitioner**

And

The Union of India
Rep. by Deputy Secretary to Government of India,
Ministry of Home Affairs,
Freedom Fighters Division,
New Delhi & others

.....**Respondents**

:: O R D E R::

Counsel for the Petitioner : Shri P.A. Seshu

Counsel for Respondent No.1 : Shri A. Rajasekhar Reddy, Assistant Solicitor General

Counsel for Respondent Nos.2 to 4: Government Pleader for Revenue

Dated: 22.08.2006

In this petition, the petitioner has prayed for issue of a

mandamus to the respondents to pay him pension under Swatantrata Sainik Samman Pension Scheme, 1980 (for short 'the 1980 Scheme').

The petitioner's claim for grant of pension is founded on his assertion that he had taken part in Quit India Movement in 1942. He is said to have been arrested in connection with the offence alleged to have been committed by him by cutting palmora leaves and making objectionable and seditious speech. He was prosecuted in the Court of Magistrate at Kanigiri and was sentenced to seven months' imprisonment. He claims to have remained in Central Jail, Alipuram, Ballari District from 20.09.1942 to 17.04.1943. On 06.01.1982, he submitted an application for grant of pension. Along with the application, the petitioner annexed documents to substantiate his claim for pension. On a query made by Government of India, the Director General of State Archives, Hyderabad vide letter Sl.No.4436/R2-B/90 dated 30.10.1992 informed Under Secretary to Government of India, Ministry of Home Affairs that particulars contained in earlier communication i.e. letter No.4042/R2B/88 dated 25.09.1988 regarding imprisonment of the petitioner are correct. According to the learned counsel for the petitioner, this has been re-iterated by the State Government as late as in the year 2003.

In the counter-affidavit as well as additional counter-affidavits filed on behalf of Government of India, the factum of sending of communications dated 25.9.1988 and 30.10.1992 by Director General of Andhra Pradesh State Archives and Commissioner of State Archives has not been controverted. It is thus evident that the petitioner has produced evidence in support of his eligibility to be treated as a freedom fighter for the purpose of

the 1980 Scheme.

Shri A. Rajasekhar Reddy, learned Assistant Solicitor General says that the Government of India has again written to the Government of Andhra Pradesh to verify the facts relating to the petitioner's imprisonment and his case will be finalized within a maximum period of one month.

In view of the statement made by the learned Assistant Solicitor General, the writ petition is disposed of with the following directions:

(1) within one month from today, the concerned authority of the Government of India shall finalize the petitioner's claim for grant of pension under the 1980 Scheme. The decision taken by the concerned authority shall be communicated to the petitioner by registered post at the end of one month's period;

(2) if the petitioner is found eligible and entitled to receive pension, then direction be given for payment of pension to him from the date of application and arrears be paid to him within a period of three months from the date of decision.

G.S.SINGHVI, CJ

Note:
Court Officer is directed to give attested copy of this order to Shri A.Rajasekhar Reddy, learned Assistant Solicitor General for facilitating early compliance of the direction contained therein.

ksld
22.08.2006